

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHRISTOPHER BALDWIN

v.

MORTGAGE ELECTRONIC REGISTRATION
SYSTEM, INC.;
ROUNDPOINT MORTGAGE SERVICING
CORPORATION; and
GREAT AMERICAN INSURANCE
COMPANY

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CIVIL ACTION NO. 4:19-cv-03921

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THIS COURT:

Great American E&S Insurance Company (incorrectly sued as Great American Insurance Company) (hereinafter "Great American"), Defendant in the above styled and numbered cause, files this, its Notice of Removal, and would show the Court as follows:

1. Great American E&S Insurance Company (incorrectly sued as Great American Insurance Company) has been sued in a civil action styled Cause No. 2019-55863; *Christopher Baldwin v. Mortgage Electronic Registration System, Inc., RoundPoint Mortgage Servicing Corporation, and Great American Insurance Company*; in the 334th District Court in Harris County, Texas (hereafter referred to as "the state court action"). The original petition in the state court action was filed August 13, 2019. On September 10, 2019, Great American received citation and a copy of the petition, and it was determined that diversity jurisdiction was proper, pursuant to 28 U.S.C. §1332.

2. Great American files this notice of removal pursuant to the provisions of 28 U.S.C. §1441, *et. seq.*, to remove this action from the District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division.

3. Plaintiff, in its original petition, alleges that Defendant Great American wrongfully denied or delayed payment for claims for damage to a structure allegedly resulting from a covered cause of loss that is insured by Great American, thereby breaching the policy of insurance issued by Great American to Plaintiff¹. Plaintiff also alleges that Defendant Great American violated Chapters 541 (formerly Article 21.21) of the Texas Insurance Code and the Texas Deceptive Trade Practices Act. Plaintiff further alleges that Great American's actions in investigating and delaying or denying Plaintiff's claim for insurance benefits constituted a violation of the common law duty of good faith and fair dealing. Plaintiff further alleges that Great American acted fraudulently in handling Plaintiff's claim.

4. This Court has original jurisdiction over this civil action under the provisions of 28 U.S.C. §1332. Plaintiff is a citizen of the state of Texas. Defendant, Great American, is a corporation incorporated in Delaware, with its principal place of business in Ohio. A corporation is a citizen of the state where it is incorporated and the state where it has its principal place of business. *See Thompson v. Deutsche Bank Nat'l Tr. Co.*, 775 F.3d 298, 303 (5th Cir. 2014) (citing *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999)). Therefore, for purposes of diversity, Great American is a citizen of Delaware and Ohio. Defendant Mortgage Electronic Registration Systems, Inc., is a corporation incorporated in Delaware, with its principal place of business in Reston, Virginia. Therefore, for purposes of diversity, Mortgage Electronic Registration Systems, Inc. is a citizen of both Delaware and Virginia.² Defendant RoundPoint Mortgage Servicing Corporation is a corporation incorporated in Delaware with its principal place

¹ Plaintiff is not an insured (named or otherwise) under the policy that forms the basis of this lawsuit. Rather, the policy at issue in this case is a "lender placed" insurance policy that is issued to and exists to protect the interests of Great American's insureds.

² Mortgage Electronic Registration Systems, Inc. filed its answer on September 30, 2019.

of business in Charlotte, North Carolina. Therefore, for diversity purposes, RoundPoint Mortgage Servicing Corporation is a citizen of Delaware and North Carolina.³

5. Based on the information contained within plaintiff's previous demand letter and plaintiff's original petition filed in State Court, it appears the amount in controversy in this lawsuit is in excess of \$75,000, exclusive of interest and costs.

6. Venue is proper in Houston Division of the Southern District of Texas because the insured property is located in Richmond, Fort Bend County, Texas, which is the location where the facts giving rise to this suit took place.

7. In accordance with 28 U.S.C. § 1446 (a), the following are attached hereto:

- Exhibit A: Index of Matters Being Filed;
- Exhibit B: A copy of the Citation as to Great American E&S Insurance Company;
- Exhibit C: Plaintiff's Original Petition;
- Exhibit D: Defendant Great American E&S Insurance Company's Original Answer;
- Exhibit E: Defendants Mortgage Electronic Registration Systems, Inc. and RoundPoint Mortgage Servicing Corporation's Original Answer;
- Exhibit F: The state court's Docket Sheet;
- Exhibit G: List of all Parties and Counsel of record;
- Exhibit H: Defendant Great American E&S Insurance Company's Consent to Removal of Case to Federal Court; and
- Exhibit I: Defendants Mortgage Electronic Registration Systems, Inc. and RoundPoint Mortgage Servicing Corporation's Consent to Removal of Case to Federal Court.

³ RoundPoint Mortgage Servicing Corporation filed its answer on September 30, 2019.

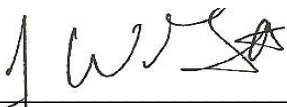
8. The citation and petition in this action were served on Great American on September 10, 2019 by serving its registered agent: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. This notice of removal is filed within 30 days of receipt of the petition and is timely filed under 28 U.S.C. § 1446(b). Furthermore, this notice of removal is being filed within one year of the date this action commenced.

9. In accordance with 28 U.S.C. §1446(d), written notice of the filing of this notice of removal will be promptly served upon all adverse parties, and a copy of this notice of removal promptly will be filed with the Clerk of the District Court of Harris County, Texas.

Defendant Great American E&S Insurance Company respectfully requests that this action be removed to this Court and that this Court accept jurisdiction of this action and place this action on the docket of this Court for further proceedings as though the action originally had been instituted in this Court.

Respectfully submitted,

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Counsel for Defendant,

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CERTIFICATE OF SERVICE

This pleading was served in compliance with Rule 5 Federal Rules of Civil Procedure on October 9, 2019, via facsimile, first class regular mail, certified mail, return receipt requested and/or electronically.

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/s/ J. Chad Gauntt

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